IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 14TH SEPTEMBER 2007 / 23RD BHADRA 1929

WP(C).No. 8535 of 2007(N)

PETITIONER:

P.P.YOUSEFF, S/O LATE ASSU,
AGED 73 YEARS, CHEDAYANADATH HOUSE,
P.O.CHAMPAD, THALASSERY, KANNUR DISTRICT.

BY ADV. SRI.S.MOHAMMED AL RAFI

RESPONDENTS:

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1. UNION OF INDIA,
REPRESENTED BY THE SECRETARY TO GOVT.,
MINISTRY OF HOME AFFAIRS,
NEW DELHI.

2. THE COMMISSIONER & SECRETARY TO
GOVERNMENT, HOME(SSB) DEPARTMENT, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM.

3. THE SUPERINTENDENT OF POLICE,
KANNUR DISTRICT.

4. THE SUB INSPECTOR OF POLICE,
PANOOR, THALASSERY.

BY SRI. P. PARAMESWARAN NAIR, ASST. S.G.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO 8535/07

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1. COPY OF THE MARRIAGE CERTIFICATE OF THE PETITIONER WITH SULAIKHA ISSUED BY KHAZI OF THE CONCERNED JAMA ATH

EXT.P2. COPY OF THE EXTRACT OF ADMISSION REGISTER IN RESPECT OF THE PETITIONER

EXT.P3. COPY OF THE EXTRACT OF ADMISSION REGISTER IN RESPECT OF THE PETITIONER

EXT.P4. COPY OF THE ORDER NO. 26024/12/2002-ICI DT. 17.1.07 ISSUED BY THE GOVT. OF INDIA

EXT.P5. COPY OF THE ORDER OF THE 3RD RESPONDENT VIDE NO.D3(b) 17778/2600C DT. 22.2.07

EXT.P6. COPY OF THE APPLICATION DT. 7.3.07 SEEKING FOR STAY FACILITIES IN INDIA FILED BY THE PETITIONER BEFORE THE FIRST RESPONDENT

/TRUE COPY/

PA TO JUDGE.

ANTONY DOMINIC, J.

W.P.(C). NO. 8535 OF 2007

Dated this the 14th day of September, 2007

J U D G M E N T

The prayers in this writ petition are for directing the 1st respondent to consider and dispose of Ext.P6 application dt. 7.3.07 and also to direct that the petitioner shall not be arrested and deported to Pakistan pending consideration of Ext.P6. At the time when this writ petition was admitted by this court, an order dt. 14.3.07 was passed directing that the petitioner shall not be arrested and deported pending disposal of the writ petition and the said order is in force even now.

2. Learned Standing Counsel appearing for the 1st respondent confirms that Ext.P6 application filed under Section 5 of the Citizenship Act is pending consideration. In view of the pendency of Ext.P6 statutory petition filed by the petitioner, the writ petition is disposed of directing the 1st respondent to consider and pass orders on Ext.P6. There will be a further direction to respondents 2 to 4 that until further orders are passed on Ext.P6 and communicated to the petitioner, petitioner shall not be arrested and deported. Petitioner shall report before the 4th respondent on every Saturday.

With these directions the writ petition is disposed of.

ANTONY DOMINIC, JUDGE

vps

ANTONY DOMINIC, JUDGE

OP NO.16383/98

JUDGMENT

5TH SEPTEMBER, 2007